

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Sulphur Bluff, TX))

MM Docket No. 99-_____

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.401, Sulphur Bluff Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 259A at Sulphur Bluff, TX.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating channel 259A to Sulphur Bluff, TX, as that community's first local broadcast transmission service. Sulphur Bluff is a dairy farming center in northeastern Hopkins County, TX. Sulphur Bluff population was estimated to be about 300 persons in 1996 ^{1/} and, according to the US Census, the county population increased 14.2 percent between 1980 and 1990. Sulphur Bluff has its own school district and its own post office/zip code. Like other "communities" to which the FCC has

^{1/} See Texas State Data Center, estimate as of January 1, 1996.

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allotted a "first local aural service," **Sulphur Bluff** also has local churches and commercial business establishments.

Attached hereto is an engineering report, which contains a channel study confirming that channel 259A can be allocated to **Sulphur Bluff, TX** consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 259A to **Sulphur Bluff, TX** would provide that community with its first local transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should this Petition be granted, and channel 259A be allotted to **Sulphur Bluff, TX**, Petitioner will apply for channel 259A and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

June 30, 1999

Counsel for Sulphur Bluff Radio
Broadcasting Company

**ENGINEERING STATEMENT
IN SUPPORT OF
PETITION FOR RULE MAKING**

June 29, 1999

Sulphur Bluff Radio Broadcasting Co.
FM Channel 259A □ 99.7 Megahertz
Sulphur Bluff, Texas



LAWRENCE L. MORTON ASSOCIATES
2867 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
(323) 467-5010 / FAX (323) 467-5848

ENGINEERING STATEMENT

The information and data contained within this engineering statement were prepared on behalf of Sulphur Bluff Radio Broadcasting Co., in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 259A to Sulphur Bluff, Texas.

I. SULPHUR BLUFF, TEXAS

Sulphur Bluff is a community located in the northeastern corner of Hopkins County, Texas. The 1990 U.S. Census population of Hopkins County was 28,833 persons, an increase of 14.2 percent above the 1980 U.S. Census population of 25,247 persons.

Sulphur Bluff has been assigned Postal ZIP Code 75481 by the U.S. Postal Service. Currently, Sulphur Bluff has no aural broadcast services. The U.S.G.S. centroid geographic coordinates of Sulphur Bluff, referenced to the North American Datum of 1927, are:

North Latitude: 33 degrees, 19 minutes, 57 seconds

West Longitude: 95 degrees, 23 minutes, 53 seconds

Because of authorized station KMOO-FM on Channel 260A at Mineola, a site restriction is required for the Channel 259A allotment at Sulphur Bluff. At a point corresponding to the following geographic coordinates, which is 5.9 kilometers north, northeast of Sulphur Bluff, the Channel 259A allotment can be made at Sulphur Bluff in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 33 degrees, 23 minutes, 03 seconds

West Longitude: 95 degrees, 22 minutes, 59 seconds

From these reference geographic coordinates, Channel 259A is fully-spaced to all FCC assignments, allotments and proposals contained within the latest **FCC FM Engineering Database**. Figures one through three show the relative locations of Hopkins County within the State of Texas, and of the community of Sulphur Bluff within Hopkins County. Figure three shows the postal ZIP code boundaries for Sulphur Bluff. Figure four depicts the locations of the 1990 U.S. Census block centroids.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 259A. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 259A allotment reference site proposed for Sulphur Bluff. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF § 73.207					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
KETR	205-C1	33° 14' 17"	95° 55' 27"	53. Km	22. Km
KYFP	206-C2	32° 00' 13"	95° 43' 06"	156	15
KUAR	206-C1	34° 47' 50"	92° 29' 26"	310	22
ALLOC	256-A	33° 23' 47"	93° 19' 52"	191	31
KMAG	256-C	35° 04' 26"	94° 40' 48"	198	95
KIXK	257-C2	33° 07' 22"	94° 38' 37"	75	55
KXYL	257-C1	31° 42' 16"	99° 00' 05"	387	75
KNBB	257-C3	32° 28' 53"	92° 40' 37"	272	42
KPLX	258-C	32° 34' 54"	96° 58' 32"	173	165
KMTB	258-C3	34° 03' 07"	93° 51' 45"	159	89
KXLS	259-C1	36° 35' 41"	98° 15' 38"	443	200
KMJJ-FM	259-C2	32° 36' 27"	93° 46' 24"	173	166
WJMI	259-C	32° 16' 39"	90° 17' 41"	491	226
KTSH	259-C3	34° 21' 34"	96° 33' 34"	153	142
KMOO-FM	260-A	32° 45' 04"	95° 33' 18"	72	72
KTCS-FM	260-C	35° 04' 20"	94° 40' 50"	198	165
KDVE	260-C3	32° 07' 36"	94° 47' 57"	150	89
KYFM	261-C1	36° 53' 07"	96° 15' 04"	397	75
KPYN	261-C2	33° 15' 18"	94° 05' 16"	121	55
KRBV	262-C	32° 35' 05"	96° 57' 46"	172	95
KDVE	262-A	32° 22' 38"	94° 34' 13"	135	31

III. CONCLUSIONS

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Sulphur Bluff Radio Broadcasting Co., respectfully requests the following change to the Table:

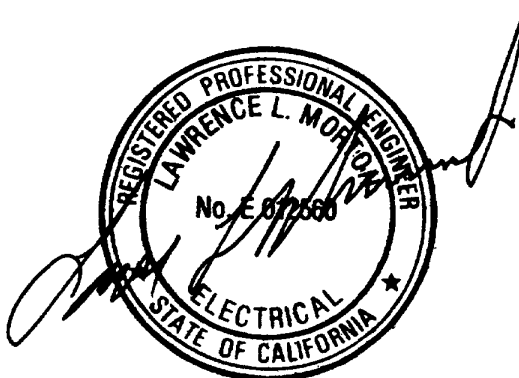
<u>PRESENT</u>	
<u>CITY</u>	<u>CHANNEL</u>
Sulphur Bluff, TX	----

<u>PROPOSED</u>	
<u>CITY</u>	<u>CHANNEL</u>
Sulphur Bluff, TX	259A

The petitioner asserts that, upon allotment of Channel 259A to Sulphur Bluff and the lifting of the present freeze on new applications, an application for construction permit to build a new Class A facility will be filed promptly to serve Sulphur Bluff, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
June 29, 1999



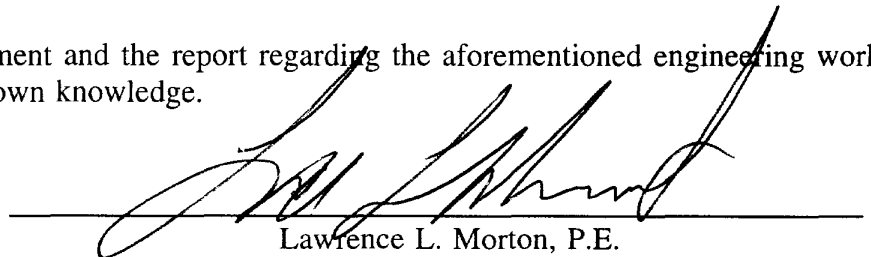
AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:


- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: June 29, 1999

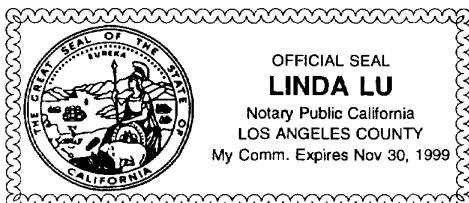

Lawrence L. Morton, P.E.

On June 29, 1999, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99



Notary Public



State of Texas

Hopkins County

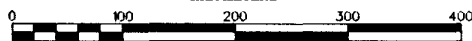
CENTER OF MAP:

N LAT 31° 20' 58.00"
W LON 99° 39' 55.00"

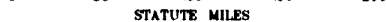
Scale 1 : 6,642,985

FIGURE 1
COUNTY OF HOPKINS
STATE OF TEXAS
SULPHUR BLUFF RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES



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Telecommunications Engineers
Hollywood Hills, California

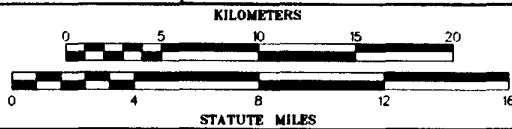
Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

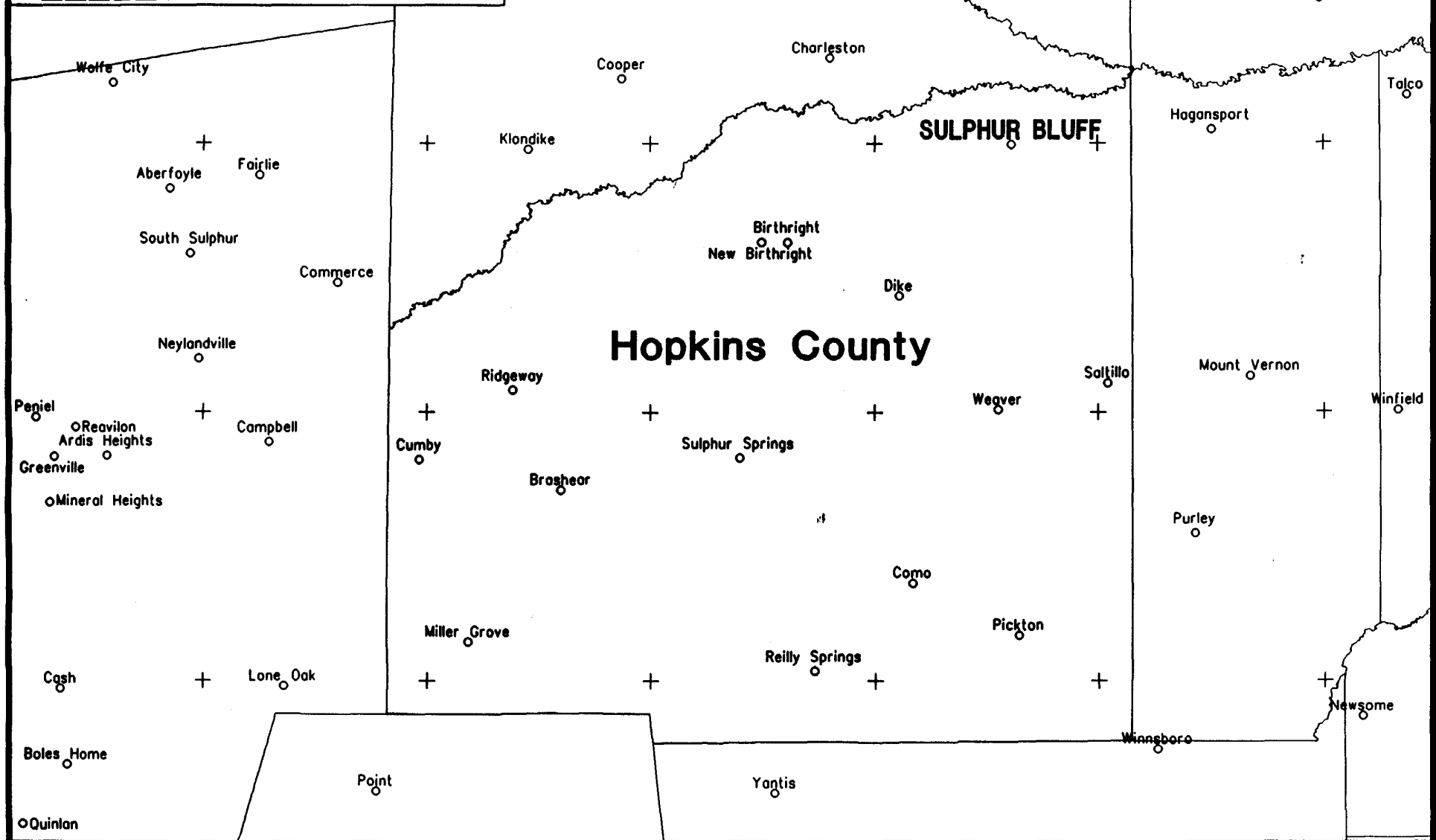
CENTER OF MAP:
N LAT 33° 14' 11.00"
W LON 95° 36' 59.00"

Scale 1 : 387,647

FIGURE 2
COMMUNITY OF SULPHUR BLUFF
COUNTY OF HOPKINS
SULPHUR BLUFF RADIO BROADCASTING CO.



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Telecommunications Engineers
Hollywood Hills, California



Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

CENTER OF MAP:

N LAT 33° 14' 11.00"

W LON 95° 36' 59.00"

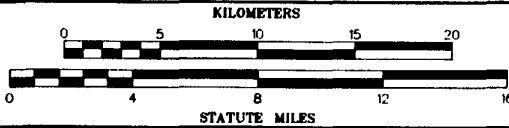
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FIGURE 3

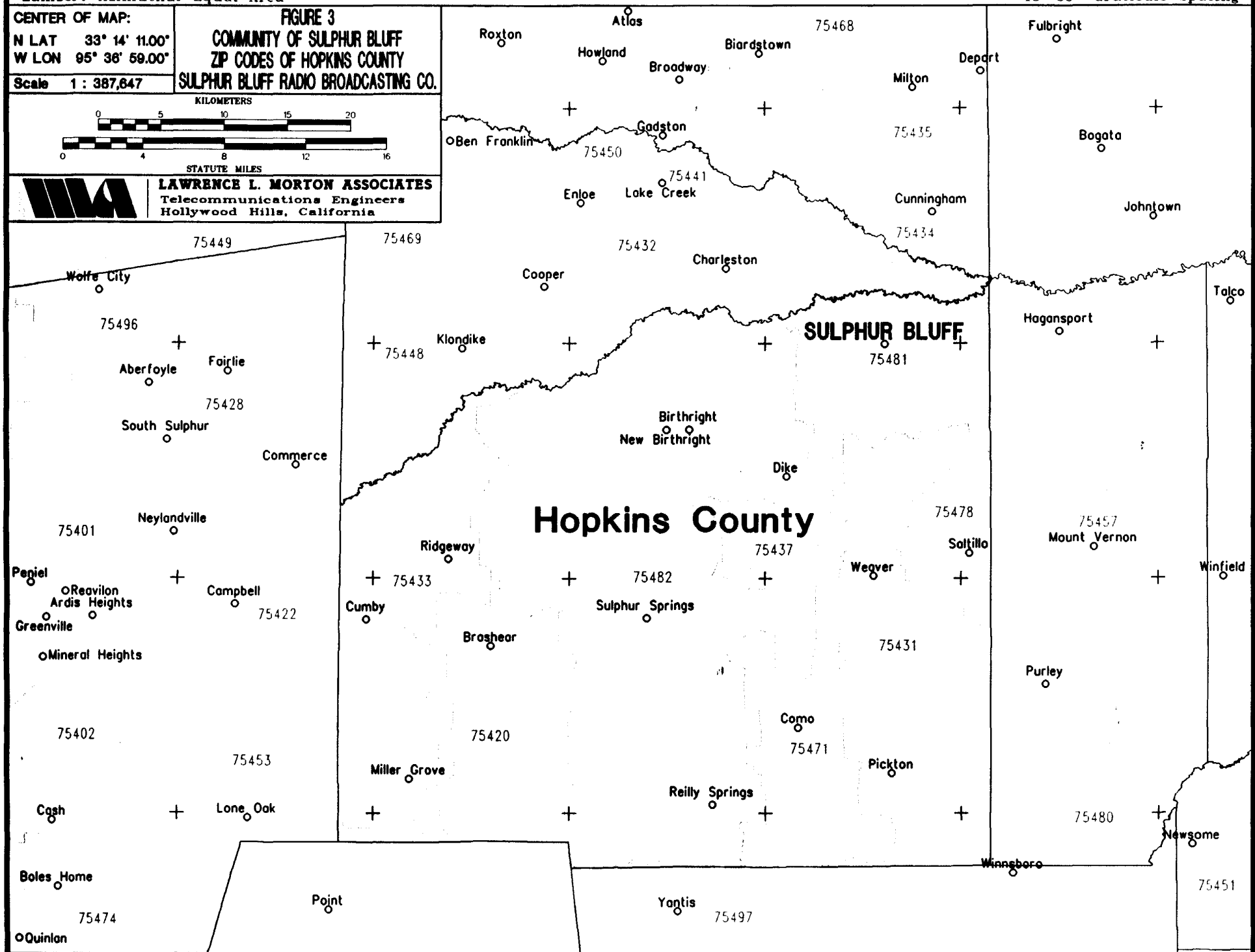
COMMUNITY OF SULPHUR BLUFF

ZIP CODES OF HOPKINS COUNTY

SULPHUR BLUFF RADIO BROADCASTING CO.



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Telecommunications Engineers
Hollywood Hills, California



Lambert Azimuthal Equal-Area

5' 00" Graticule Spacing

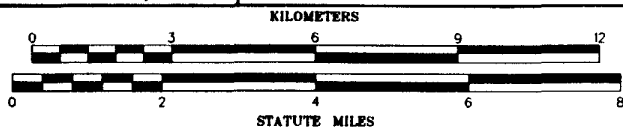
CENTER OF MAP:

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W LON 95° 25' 44.00"

Scale 1 : 158,405

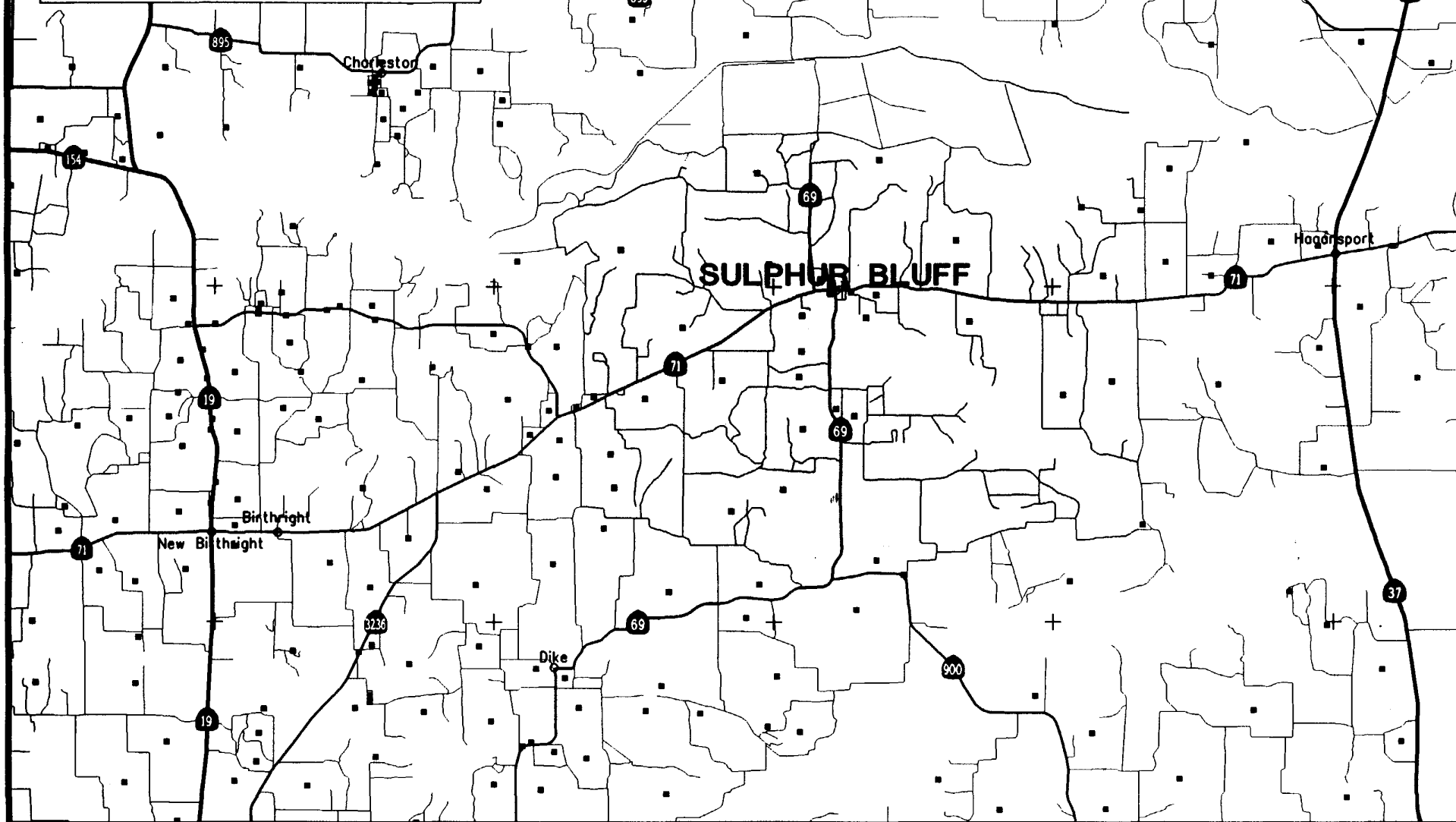
FIGURE 4

COMMUNITY OF SULPHUR BLUFF
AND 1990 U.S. CENSUS BLOCKS
SULPHUR BLUFF RADIO BROADCASTING CO.



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Hollywood Hills, California

1990 U.S. CENSUS BLOCK CENTROIDS



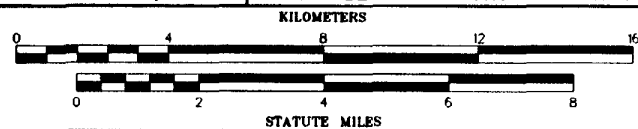
Lambert Azimuthal Equal-Area

5' 00" Graticule Spacing

CENTER OF MAP:
N LAT 33° 22' 52.00"
W LON 95° 27' 12.00"

Scale 1 : 193,823

FIGURE 5
FULLY-SPACED AREA TO LOCATE
FM CHANNEL 258A
SULPHUR BLUFF, TEXAS
SULPHUR BLUFF RADIO BROADCASTING CO.



LMA LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

